

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT D. ANDERSON,

Plaintiff,

v.

M. MCGALLON, et al.,

Defendants.

Case No. [20-cv-04368-HSG](#)

**ORDER DENYING MOTION TO
COMPEL WITHOUT PREJUDICE**

Re: Dkt. No. 25

Plaintiff has filed a *pro se* civil rights action under 42 U.S.C. § 1983. Now pending before the Court is Plaintiff's motion to compel discovery. Dkt. No. 25. Plaintiff's motion to compel is DENIED without prejudice to re-filing after he complies with the meet-and-confer requirement set forth in Fed. R. Civ. P. 37 and N.D. Cal. L. R. 37-1(a). Fed. R. Civ. P. 37(a)(1) requires that a motion to compel discovery "include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action." Fed. R. Civ. P. 37(a)(1). Local Rule 37-1(a) provides that the Court will not entertain a request or a motion to resolve a discovery dispute unless, pursuant to Fed. R. Civ. P. 37, counsel have previously conferred for the purpose of attempting to resolve all disputed issues. N.D. Cal. L. R. 37-1(a). Plaintiff's motion to compel lacks the necessary certification that Plaintiff has conferred in good faith with Defendants in an effort to obtain the requested discovery without court action. Accordingly, Plaintiff's motion to compel is DENIED without prejudice to re-filing with the requisite certification if he is unable to resolve the dispute after good faith meet-and-confer efforts.


Plaintiff is advised to familiarize himself with the Federal Rules of Civil Procedure and the Northern District of California Local Rules. *Pro se* litigants are afforded a degree of leniency with

1 respect to their pleadings, but are nonetheless required to comply with the rules of litigation
2 procedures. *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987), *overruled on other grounds by*
3 *Lacey v. Maricopa Cnty.*, 693 F.3d 896 (9th Cir. 2012) (“Pro se litigants must follow the same
4 rules of procedure that govern other litigants.”).

5 This order terminates Dkt. No. 25.

6 **IT IS SO ORDERED.**

7 Dated: 3/19/2021

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9 HAYWOOD S. GILLIAM, JR.
10 United States District Judge
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United States District Court
Northern District of California